

LEXON INSURANCE COMPANY,

SOUTHERN DISTRICT OF NEW YORK

LEXON INSURANCE COMPANY,

LEXON INSURANCE COMPANY,

Plaintiff,

-V-

AMERICAN RESOURCES CORPORATION *et al.*,

Defendants.

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22 Civ. 5939 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff filed the Complaint in this action on July 12, 2022. Dkt. 2. On August 2, 2022, Plaintiff served Defendants American Carbon Corporation, Deane Mining LLC, ERC Mining Indiana Corp., and McCoy Elkhorn Coal LLC. Dkts. 7-10. Although their deadline to answer the Complaint was August 23, 2022, none of those Defendants have filed an answer or otherwise appeared in this action. Defendants Knott County Coal LLC and Samuel Coal Company, Inc. were served on August 8, 2022. Dkts. 11-12. Similarly, although their deadline to answer the Complaint was August 29, 2022, none of those Defendants have filed an answer or otherwise appeared in this action.

In addition, the docket does not reflect that the seventh and final Defendant, American Resources Corporation, has been served. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Consequently, by October 11, 2022, Plaintiff is ordered to file a status letter that shall inform the Court whether Plaintiff has served the remaining Defendant, American Resources Corporation, and

if not what steps have been taken to serve that Defendant, as well as whether Plaintiff requests an extension of time to serve that Defendant. Plaintiff's status letter should also include any update available as to the status of the other Defendants, including any communications with those Defendants or their representatives.

SO ORDERED.

Dated: October 5, 2022
New York, New York



JOHN P. CRONAN
United States District Judge